

OFFICIAL COPY

Fresno, California

June 20, 2000

The City Council met in joint session with the Redevelopment Agency at the hour of 8:57 a.m. and later in regular session in the Council Chambers, City Hall, on the day above written.

Present:	Chris Mathys	Councilmember
	Henry Perea	Councilmember
	Sal Quintero	Councilmember
	Ken Steitz	Councilmember
	Dan Ronquillo	Councilmember
	Tom Boyajian	Council President

Absent:	Garry Bredefeld	Acting Council President
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Jeff Reid, City Manager
Daniel Fitzpatrick, Executive Director
Hilda Cantu Montoy, City Attorney
Rebecca Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

(8:30 A.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY

APPROVE AGENCY MINUTES OF JUNE 13, 2000

On motion of Councilmember Perea, seconded by Councilmember Quintero, duly carried, RESOLVED, the minutes of June 13, 2000, approved as submitted.

(“A”) AGENCY RESOLUTION NO. 1568 - ADOPTION OF A TAX REIMBURSEMENT RESOLUTION TO ALLOW FOR THE REIMBURSEMENT OF REDEVELOPMENT PROJECT EXPENDITURES

Redevelopment Administrator Murphey reviewed the staff report as submitted.

On motion of Member Steitz, seconded by Member Quintero, duly carried, RESOLVED, the above entitled Resolution No. 1568 hereby adopted, by the following vote:

Ayes	:	Boyajian, Mathys, Perea, Quintero, Steitz, Ronquillo
Noes	:	None
Absent	:	Bredefeld

(“C”) JOINT RESOLUTION - APPROVING A COOPERATION AND REGULATORY AGREEMENT RELATING TO ADMINISTRATION OF AFFORDABLE HOUSING SET ASIDE FUNDS BETWEEN THE AGENCY AND THE HOUSING AUTHORITIES, AND MAKING CERTAIN FINDINGS PURSUANT TO THE HEALTH AND SAFETY CODE

Removed from the agenda.

(“D”) DIRECT THE RDA DIRECTOR TO CLOSE ESCROW BY JULY 1, 2000, ON PARCELS CLEARED OF CONDITIONS TO CONSTRUCT THE REGIONAL MEDICAL CENTER AND CONTINUE TO NEGOTIATE TO CLEAR CONDITIONS ON REMAINING PARCELS AND CLOSE ESCROW ON BALANCE OF PARCELS BY AUGUST 1, 2000 - MEMBER MATHYS

1. AS PART OF ESCROW, TRANSFER NECESSARY PARCELS TO THE UNIVERSITY OF CALIFORNIA, SAN FRANCISCO FOR THE PURPOSE OF BUILDING A SATELLITE CAMPUS WITH COMMUNITY HOSPITAL AND THE CITY OF FRESNO SHARING COSTS EQUALLY

Removed from the agenda.

(“B”) RECEIVE REPORT FROM RDA DIRECTOR AND GIVE DIRECTION TO CITY AND AGENCY STAFF REGARDING AMENDMENTS TO THE DISPOSITION AND DEVELOPMENT AGREEMENT BETWEEN THE AGENCY, CITY AND COMMUNITY MEDICAL CENTER REGARDING DISPOSITION OF CERTAIN PROPERTIES WITHIN THE REGIONAL MEDICAL CENTER SITE PHASE 1

Agency Director Fitzpatrick reviewed the issue and Agency briefing report as submitted, advised of a proposal for the City, Agency and Community Medical Center (CMC) to convey properties within the project site to the University of California San Francisco (UCSF) for the purpose of UCSF locating a \$20+ million medical education facility downtown, and recommended City and Agency staff be directed to make the appropriate amendments to the D&DA.

** Clovis City Councilmembers Flores and Stern were recognized and welcomed.

Chair Ronquillo commended Agency staff and CMC for all their efforts in moving Phase I forward, and along with Councilmember Mathys presented questions relative to Phase II, benefits of having a medical education facility downtown, training the trauma unit would provide, timeline for UCSF to break ground, and funding from the State.

On motion of Councilmember Perea, seconded by President Boyajian, duly carried, RESOLVED, staff directed to amend the D&DA to accomplish the proposed CMC assignment/conveyance to UCSF, subject to CMC conveying additional properties to UCSF, and subject to CMC purchasing the five Agency/UCSF parcels at the D&DA price if construction of a medical education center is not begun on the UCSF parcels before CMC opens the burn and trauma center, and if CMC purchases the remaining 25 properties at the D&DA purchase price (which CMC states they will close on the properties by 6/28/00), by the following vote:

Ayes	:	Boyajian, Mathys, Perea, Quintero, Steitz, Ronquillo
Noes	:	None
Absent	:	Bredefeld

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The joint bodies adjourned at 9:00 a.m. and the City Council convened in regular session at 9:12 a.m.

Pastor William Nolte, First Baptist Church, gave the invocation.

Councilmember Perea led the Pledge of Allegiance to the Flag.

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PRESENTATION OF PROCLAMATION BY THE CITY OF CLOVIS

RESOLUTION OF COMMENDATION TO COLE HUFFT, STUDENT AMBASSADOR OF THE UNITED STATES - COUNCILMEMBER MATHYS

RESOLUTIONS OF COMMENDATION TO KORY STAMPS, PRINCIPAL'S STRAIGHT A'S LIST FROM MALLOCH ELEMENTARY

RESOLUTION OF COMMENDATION TO RYAN MICHAEL HARBICK

PROCLAMATION OF "AMATEUR RADIO WEEK"

PROCLAMATION OF "TROOP 268 BOY SCOUTS OF AMERICA DAY" - PRESIDENT BOYAJIAN

The above proclamations and resolutions were read and presented.

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APPROVE MINUTES OF JUNE 13, 2000

On motion of Councilmember Perea, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the minutes of June 13, 2000, approved as submitted.

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APPROVE AGENDA:

(9:30 A.M.) HEARING ON PLAN AMENDMENT NO. A-99-31, REZONING APPLICATION NO. R-99-46, AND ENVIRONMENTAL ASSESSMENT NO. A-99-31/R-99-46, FILED BY EDWIN AND NORMA LOEB, PROPERTY LOCATED ON THE SOUTH SIDE OF E. SHIELDS BETWEEN N. JACKSON AND N. MAPLE AVENUES - 4560, 4576 AND 4582 E. SHIELDS AVENUE

1. CONSIDER ENVIRONMENTAL ASSESSMENT/MITIGATED NEGATIVE DECLARATION NO. A-99-31/R-99-46

2. RESOLUTION - AMENDING THE MCLANE COMMUNITY PLAN AND THE FRESNO-YOSEMITE INTERNATIONAL AIRPORT ENVIRONS SPECIFIC PLAN

3. BILL - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM R-1 TO R-3/CZ

City Clerk Klisch advised of a correction to the title stating the amendment to the Fresno-Yosemite International Airport Environs Specific Plan was being deleted from the Resolution (#2) and was being added (and should have been listed) as an Ordinance, which correction was noted and added.

COMPLAINTS REGARDING ALLEY CLEAN-UPS AND RESPONSIBILITY THEREFORE - COUNCILMEMBER RONQUILLO

Councilmember Ronquillo noted he had received numerous complaints and advised the City Manager he would be meeting with him to discuss the issue further.

(2:00 P.M.) CLOSED SESSION:

(“A”) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (b) - SIGNIFICANT EXPOSURE TO LITIGATION:

2. MEMORIAL AUDITORIUM RESTORATION SOCIETY V. CITY OF FRESNO

Laid over one week.

(5A) DIRECT/AUTHORIZE THE CITY ATTORNEY TO (1) CONDUCT LEGAL RESEARCH ON WHETHER THE CITY MAY TAKE LEGAL ACTION TO STAY OR OVERTURN THE CITY OF CLOVIS’ DECISION ALLOWING FOR CURB CUTS ON HERNDON AVENUE, AND (2) FILE ACTION NECESSARY TO PRESERVE THE CITY’S LEGAL INTERESTS - COUNCILMEMBER PEREA

Laid over one week at the direction of Councilmember Perea.

(5B) DIRECT THE CITY ATTORNEY TO PREPARE A RESOLUTION SUBMITTING A BALLOT MEASURE TO THE VOTERS TO ADOPT AN INCREASE IN SALES TAX FOR THE PURPOSE OF IMPROVING AND CONSTRUCTING CITY STREETS AND ROADS SIMILAR TO CURRENT MEASURE “C” SALES TAX IN THE CITY AND COUNTY - COUNCILMEMBER PEREA

Laid over one week at the direction of Councilmember Perea.

On motion of Councilmember Perea, seconded by Councilmember Quintero, duly carried, **RESOLVED**, the **AGENDA** hereby approved, by the following vote:

Ayes	:	Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	Bredefeld

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ADOPT CONSENT CALENDAR:

(1A-1) APPROVE THE SALE OF SURPLUS LAND AT THE JENSEN AVENUE BYPASS AND S. 10TH STREET TO CARLOS LEAL AND BLANCA ASUSENA LEAL FOR THE PRICE OF \$10,000, AND DIRECT THE PUBLIC WORKS DIRECTOR TO EXECUTE THE AGREEMENT AND COMPLETE THE TRANSACTION THROUGH ESCROW

(1A-2) APPROVE ACQUISITION OF A WATER LINE EASEMENT AT THE SOUTHWEST CORNER OF N. CLOVIS AND E. OLIVE AVENUES FOR THE PRICE OF \$13,650, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE ALL DOCUMENTS NECESSARY TO COMPLETE THE PURCHASE THROUGH ESCROW

(1A-3) **RESOLUTION NO. 2000-190** - INTENT TO VACATE A PORTION OF N. WINERY AVENUE SOUTH OF E. SHAW AVENUE; AND SETTING A PUBLIC HEARING FOR JULY 18, 2000, AT 10:00 A.M.

(1A-4) **RESOLUTION NO. 2000-191** - AUTHORIZING THE ISSUANCE OF MULTIFAMILY HOUSING REFUNDING REVENUE BONDS BY THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY TO REFINANCE THE SUNRISE OF FRESNO PROJECT AND AUTHORIZE CERTAIN OTHER ACTIONS IN CONNECTION THEREWITH

(1A-5) AWARD A CONTRACT TO VULCAN CONSTRUCTION IN THE AMOUNT OF \$138,142 FOR LIFT STATION NO. 1 ALTERATIONS

(1A-6) AWARD A ONE-YEAR REQUIREMENTS CONTRACT, WITH PROVISIONS FOR TWO ONE-YEAR EXTENSIONS, TO ALL STAR FIRE EQUIPMENT IN THE ESTIMATED AMOUNT OF \$100,081.03 TO PROVIDE STRUCTURAL FIREFIGHTING PROTECTIVE GARMENTS

(1A-7) AWARD A ONE-YEAR REQUIREMENTS CONTRACT, WITH PROVISIONS FOR TWO ONE-YEAR EXTENSIONS, TO SCHOETTLER TIRE INC. OF FRESNO IN THE ESTIMATED AMOUNT OF \$22,845.86 FOR FIRE APPARATUS TIRES AND SERVICES

(1A-8) REJECT ALL BIDS RECEIVED FOR ONE CLASS 7 TRUCK WITH FLATBED BODY AND KNUCKLE-BOOM CRANE, AND DIRECT STAFF TO REVISE THE SPECIFICATIONS AND REBID THE PROJECT

(1A-9) **RESOLUTION NO. 2000-192** - APPROVING THE FINAL MAP OF TRACT NO. 4314, PROPERTY LOCATED ON THE SOUTH SIDE OF W. BULLARD BETWEEN N. CORNELIA AND N. POLK AVENUES, AND ACCEPTING THE DEDICATED PUBLIC USES THEREIN

1. AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE SUBDIVISION AGREEMENT AND STATEMENT OF COVENANT FOR LANDSCAPE MAINTENANCE; AND AUTHORIZE THE DEVELOPMENT DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT DEFERRING CERTAIN SEWER CONNECTION CHARGES, WATER CONNECTION CHARGES, UGM FEES AND DEVELOPMENT FEES TO THE TIME OF ISSUANCE OF CERTIFICATE OF OCCUPANCY AND CREATION OF A LIEN, AND STATEMENT OF COVENANTS AFFECTIVE LAND DEVELOPMENT FOR THE PLANTING AND MAINTENANCE OF FRONT YARD TREES

On motion of Councilmember Ronquillo, seconded by Councilmember Steitz, duly carried, **RESOLVED**, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	Bredefeld

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(9:30 A.M.) HEARING ON PLAN AMENDMENT NO. A-99-31, REZONING APPLICATION NO. R-99-46, AND ENVIRONMENTAL ASSESSMENT NO. A-99-31/R-99-46, FILED BY EDWIN AND NORMA LOEB, PROPERTY LOCATED ON THE SOUTH SIDE OF E. SHIELDS BETWEEN N. JACKSON AND N. MAPLE AVENUES - 4560, 4576 AND 4582 E. SHIELDS AVENUE

1. CONSIDER ENVIRONMENTAL ASSESSMENT/MITIGATED NEGATIVE DECLARATION NO. A-99-31/R-99-46

2. RESOLUTION - AMENDING THE MCLANE COMMUNITY PLAN

3. RESOLUTION AND THE FRESNO-YOSEMITE INTERNATIONAL AIRPORT ENVIRONS SPECIFIC PLAN

4. BILL - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM R-1 TO R-3/CZ

President Boyajian announced the time had arrived to consider the issue and opened the hearing. Planner Beedle reviewed the issue and the staff report as submitted, using maps to illustrate, and recommended the plan amendment and rezoning of the two interior parcels be approved subject to the conditions outlined in the report

(2 - 0) Ed Loeb, Applicant, reviewed the history and background of the property and zoning, urged approval, and questioned if Redevelopment Agency or federal funds could be used to pay for the sidewalk being required by staff since the property was located in the inner-city.

Upon call, no one else wished to be heard and President Boyajian closed the hearing.

Councilmember Steitz made a motion to continue the hearing one week so that he could work out some issues with the property owner, which motion was seconded and acted upon after additional discussion, with Mr. Loeb and staff responding to questions of Councilmembers Ronquillo, Mathys and President Boyajian relative to sound mitigation, annexation timeline, how the additional bedrooms were originally approved, past use and main intended use of the home, mitigation measures for neighboring residents, who would run the group home, and State and local licensing requirements.

On motion of Councilmember Steitz, seconded by Councilmember Quintero, duly carried, **RESOLVED**, the hearing on Plan Amendment No. A-99-31/Rezoning Application No. R-99-46/ Environmental Assessment No. A-99-31/R-99-46, filed by Edwin and Norma Loeb, continued to June 27, 2000, at 9:45 a.m., by the following vote:

Ayes	:	Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	Bredefeld

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(10:00 A.M.) HEARING ON REZONING APPLICATION NO. R-00-12 AND ENVIRONMENTAL FINDINGS, FILED BY JAMES OAKES, PROPERTY LOCATED ON THE NORTHEAST CORNER OF N. FRESNO STREET AND E. EL PASO AVENUE - 7606 N. FRESNO

1. BILL NO. B-41 - ORDINANCE NO. 2000-44 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM R-3-A TO C-P/UGM

President Boyajian announced the time had arrived to consider the issue and opened the hearing. Planner Koo reviewed the staff report as submitted, and a motion and second was made to approve staff's recommendation.

Upon call, no one wished to be heard and President Boyajian closed the hearing.

On motion of Councilmember Steitz, seconded by Councilmember Mathys, duly carried, RESOLVED, the Negative Declaration for Environmental Assessment No. R-00-12 hereby approved; and the above entitled Bill No. B-41 reclassifying the subject property adopted as Ordinance No. 2000-44, by the following vote:

Ayes	:	Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	Bredefeld

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RECESS - 10:07 A.M. - 10:22 A.M. Councilmember Perea arrived later.

(10:15 A.M.) HEARING ON REZONING APPLICATION NO. R-00-015 AND ENVIRONMENTAL FINDINGS, FILED BY TREND HOMES, INC., PROPERTY LOCATED ON THE SOUTHEAST CORNER OF BULLARD AND DANTE AVENUES

1. BILL NO. B-42 - ORDINANCE NO. 2000-45 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM R-A/UGM TO R-1/UGM

President Boyajian announced the time had arrived to consider the issue and opened the hearing. Planner Lewis briefly reviewed the staff report as submitted advising there was no opposition and the developer had agreed to conditions.

Upon call, no one wished to be heard and President Boyajian closed the hearing.

On motion of Councilmember Mathys, seconded by Councilmember Quintero, duly carried, RESOLVED, the Categorical Exemption for Environmental Assessment No. T-4945, R-00-015 hereby approved; and the above entitled Bill No. B-42 rezoning the subject property to become effective for any portion of the site for which a final map of Vesting Tentative Tract No. 4945/UGM is recorded hereby adopted as Ordinance No. 2000-45, by the following vote:

Ayes	:	Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	Bredefeld

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District 6 Councilmember-Elect Duncan was recognized and welcomed. Councilmember Perea arrived at 10:25 a.m.

(10:30 A.M.) APPEARANCE BY JERRY PRIETO, JR., FRESNO COUNTY AGRICULTURAL COMMISSIONER, TO EXPLAIN THE SPRAY PROGRAM TO CONTROL THE GLASSY-WINGED SHARPSHOOTER (GWSS) INFESTATION IN THE FRESNO/SHAW AVENUE AREA

Presentation made by Bob Vandergon, Assistant Ag Commissioner, who used graphics, maps and pictures to illustrate. Lengthy discussion ensued with Mr. Vandergon responding to questions from all Councilmembers relative to physical characteristics of the GWSS, chemicals that will be utilized, importance of educating and cooperation of the public, informational meetings that will be held **(3 - 0)**, noticing of meetings and scheduled sprayings, rights of property owners relative to spraying, seriousness of the problem and need for community cooperation, types of fruits/products affected, areas infested, possibility of educating the public through utility bills with flyers, gardens of the Southeast Asian community and the need to educate in various languages, who was overseeing the infestation and control process, making information available to the public on the web, when the infestation was first detected in this area, chemicals used, and where the GWSS originated from.

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**(11:00 A.M.) HEARING ON REZONING APPLICATION NO. R-00-011, FILED BY RICHARD C. GINDER, JR.
(CONTINUE TO A LATER DATE)**

Referred back to staff.

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LUNCH RECESS - 11:07 A.M. - 3:00 P.M.

(2:00 P.M.) CLOSED SESSION:

(“A”) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (b) - SIGNIFICANT EXPOSURE TO LITIGATION:

1. CLAIM OF BILLY R. WARD

The Council met in closed session at the hour of 3:00 p.m. in Room 2125 to consider the above issue and reconvened in regular open session at 3:15 p.m. An announcement was made at the conclusion of the following issue.

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(3:00 P.M.) REVIEW CITY’S CONTRACT WITH AMERICAN BUILDING MAINTENANCE (ABM) FOR MAINTAINING THE FULTON MALL AREA - PRESIDENT BOYAJIAN AND COUNCILMEMBER RONQUILLO

Briefly reviewed by Councilmember Ronquillo who stated the issue was scheduled to discuss the process due to complaints received relative to mall maintenance.

P & R Management Analyst Milavich stated staff had concerns with the maintenance of the pools but stated the problem had been addressed and there should not be any more problems in the future; relative to trash and debris advised that was and continued to be an on-going problem even with maintenance by past vendors and staff; and recommended staff be allowed to monitor and work more closely with ABM to ensure contract compliance.

Victoria Gonzales, Downtown Association, stated they had been very disappointed with ABM since last July citing problems with debris in addition to the pools and explained; stressed someone needed to be responsible for the maintenance; presented pictures for Council's review; and requested the contract with ABM be terminated and staff be directed to provide code enforcement to address problems on the mall.

Mr. Milavich responded to questions of Councilmember Mathys relative to cost of the contract, services provided, if ABM was local, and who the City staff person(s) was that was responsible for monitoring the mall. Councilmember Mathys expressed his concern with the use of out of town companies and with the fact the issue came to Council's attention only because a major complaint had been made; emphasized the mall was an area that needed special attention to attract people; stated the situation was unacceptable as depicted by the pictures presented; and made a motion to rebid the contract and contract with a local company. City Attorney Montoy advised the motion was impermissible this date and stated a process would first have to be undertaken which would include a review of the contract and a determination on whether deficiencies were occurring.

Sean Pedone, ABM District Manager, and Mr. Milavich responded to additional questions of Councilmember Mathys and of Councilmember Ronquillo relative to who at ABM was responsible for the maintenance, what the problem was, if ABM had other contracts with the City, concrete stains due to trees, and what was necessary to maintain the pools. Councilmember Ronquillo noted the City was trying to attract people to the Fulton Mall and stressed the highest standard of maintenance was necessary, and requested the City Manager look into the issue to determine if any contract violations had occurred and to take the next step, if necessary. City Manager Reid stated staff would examine the agreement and ABM's performance, and added he was disappointed the Downtown Association did not inform him of the situation first before bringing the matter to the Council level. Brief discussion ensued with Mr. Milavich responding to questions of President Boyajian relative to term of the contract and problems caused by olive trees on the mall, **(4 - 0)** with President Boyajian stating a solution was needed and an emphasis needed to be placed on the mall. Councilmember Perea stated workers' wages was also an issue and needed to be considered. There was no further discussion.

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CLOSED SESSION ANNOUNCEMENT

City Attorney Montoy announced in the matter of the Claim of Billy Ward the Council voted 4-0-3 to deny the claim with Councilmembers Bredefeld, Perea, and Steitz absent.

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UNSCHEDULED ORAL COMMUNICATIONS:

APPEARANCE BY DR. DAVID PEPPER REGARDING SPEEDING IN THE TOWER DISTRICT AND REQUEST FOR ADDITIONAL STOP SIGNS ON VAN NESS AVENUE

Appearance made with President Boyajian responding on what actions the City has taken to address concerns.

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ADJOURNMENT

There being no further business to bring before the Council, the hour of 3:58 p.m. having arrived and hearing no objections, President Boyajian declared the meeting adjourned.

APPROVED this _____ day of _____, 2000.

Tom Boyajian, Council President

ATTEST: Yolanda Salazar, Assistant City Clerk

135-309

6/20/00